

ORDINANCE NO. A03-8

**AN ORDINANCE REQUIRING SNOW
AND ICE REMOVAL FROM SIDEWALKS**

BE IT ORDAINED by the Commissioners of Bridgeville;

Section 1. Amend Bridgeville Code, by adding thereto a new chapter, the text of which is as follows:

Chapter 107

**SNOW AND ICE REMOVAL
FROM SIDEWALKS**

§107-1. Definitions.

The term "Department", as defined in this chapter, shall mean the Department of Public Works or its designee.

The term "owner" shall mean the fee owner and/or contract purchaser of the building or lot as listed in the assessment records of the Commissioners of Bridgeville.

The term "occupant" shall mean the tenant or tenants with respect to one or two-family dwellings, the manager or person having care, custody or control of the building or lot with respect to three-family or larger dwellings, commercial businesses, industrial premises, vacant lots, or unoccupied buildings.

The term "last known address" shall be that address for the owner or occupant as shown in the assessment records of the Commissioners of Bridgeville.

§107-2. Snow and ice removal from sidewalks.

The owner or occupant of any building or lot abutting a public sidewalk is responsible for and shall remove any accumulation of snow and/or ice from said public sidewalk within twenty-four (24) hours after the snow and/or ice has ceased to fall, gather or accumulate.

§107-3. Nuisance.

Snow and/or ice which is allowed to remain upon any public sidewalk in Bridgeville for a period of longer than twenty-four (24) hours after the snow and/or ice has ceased to fall, gather or accumulate thereon is hereby declared to be a nuisance. The Department is authorized to remove the snow and/or ice or arrange for the removal of same and charge the costs incurred against the abutting property.

§107-4. Notice.

Before the Department shall abate such nuisance, it shall serve or cause to be served upon the owner or occupant of the abutting property a written notice informing the property owner or occupant that a complaint has been received by the town indicating the ice and/or snow has not been removed from the sidewalk within twenty-four (24) hours after the snow and/or ice has ceased to fall, gather or accumulate. Such notice shall describe the location of the snow and/or ice and inform the owner or occupant that the Department will inspect the property no earlier than forty-eight (48) hours from the date of the notice to ascertain whether a nuisance exists. If upon inspection by the Department the sidewalk is found to be a violation of §107-2, the Department may immediately schedule abatement by the Department or a private contractor.

§107-5. Alternative abatement methods.

The Department may, in cases of extreme hardship or difficulty, require in the notice an additional or alternative method of abatement including, but not limited to, sanding or salting of the sidewalk.

§107-6. Service of notice.

Service of the notice may be completed by personal service, service by mail, or by posting.

(1) Personal service: Service of the notice may be completed by personal delivery of a copy to the owner or occupant or, in situations where the owner or occupant is not available, by leaving a copy of the notice with some person of suitable age and discretion at the owner's or occupant's last known address as defined in §107-1 or, if applicable, by leaving a copy with a person of suitable age and discretion at the premises where the nuisance exists.

(2) Service by mail. Service of the notice may also be accomplished by mailing the notice to the last known address of the owner or occupant. Service by mail is complete upon mailing.

(3) Service by posting. Service of the notice may also be completed by posting a copy thereof in a conspicuous place upon the premises where the nuisance exists.

(4) The owner or occupier of any property located within the corporate limits of The Town of Bridgeville having in any calendar year received notice pursuant to the provisions of this Article, shall be deemed to have received notice for the remainder of that calendar year.

§107-7. Abatement assessment; lien.

If after forty-eight (48) hours following the service of such notice the nuisance has not been abated, The Town of Bridgeville shall cause its abatement by the Department or a private contractor. An accurate record of the costs incurred therein shall be kept by the Department and reported to the department of finance and management services. The total costs of this abatement, including the administrative costs incurred by the Town in processing the abatement, shall be assessed as a special assessment against the abutting real property in the manner provided for by law and shall be collected in accordance with those applicable provisions.

§107-8. Penalty.

Notwithstanding the above provisions, any owner or occupant who has been served an order to remove a nuisance pursuant to §107-4 and has failed to abate the nuisance within the time specified in said order shall be guilty of a violation and may be fined up to a maximum of One Hundred Dollars (\$100).

§107.9. Snow Emergency Routes.

In order to expedite and efficiently remove accumulated snow or ice, or both, within the corporate limits of The Town of Bridgeville, residents having access to their yard from an alleyway, shall so utilize and park their vehicle(s) accordingly. If a driveway does not exist, all residents with an odd number address should move their vehicle(s) to the opposite side of the street; after snow or ice has been removed from the odd number side of the street, all vehicle(s) should be moved to the opposite side of the street.

Section 2. Effective Date. This ordinance shall become effective upon its adoption by a majority of the members elected to the Commission.

COMMISSIONERS OF BRIDGEVILLE

By: Gregory T. Conway
ATTEST: Bonnie S. Walls

First Reading: 12/8/03
Second Reading: 1/12/04
Adopted: 1/12/04